

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
Patricia CRUZ-PEREZ *et al.*) Group Art Unit: 1637
Application No.: Continuation of) Examiner: Cynthia B. Wilder
10/080,959)
Filed: March 19, 2004)
For: METHOD FOR DETECTION OF)
Stachybotrys chartarum IN PURE)
CULTURE AND FIELD SAMPLES)
USING QUANTITATIVE)
POLYMERASE CHAIN)
REACTION)

INFORMATION DISCLOSURE STATEMENT
TRANSMITTAL LETTER

Commissioner For Patents
P.O. Box 1450
Alexandria, Virginia 223132-1450

Sir:

Enclosed is an Information Disclosure Statement and accompanying form PTO-1449 for the above-identified patent application.

- No additional fee for submission of the IDS is required.
- The fee of \$180.00 as set forth in 37 C.F.R. § 1.17(p) is also enclosed.
- A certification under 37 C.F.R. § 1.97(e) is also enclosed.
- A check in the amount of \$ _____ is enclosed for the fee due.

Respectfully submitted,

By: Tony M. Cole
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(386) 575-2713

Date: March 19, 2004

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Patricia CRUZ-PEREZ et al.) Group Art Unit: 1637
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REACTION)

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Commissioner For Patents
P.O. Box 1450
Alexandria, Virginia 223132-1450

Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed before the mailing date of a first Office Action in the above-referenced application. As such, no certification or fee is required. Pursuant to 37 C.F.R. §1.98(d), copies of the listed documents are not attached, because such documents were previously submitted, or were cited by the Examiner, in the parent application, application No. 10/080,959, filed February 22, 2002.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

If any copending application(s) is/are cited on the attached PTO 1449, the Examiner's attention is directed to the foregoing application(s) in compliance with § 2001.06(b) of the Manual of Patent Examining Procedure. By identifying the copending application(s), the assignee and/or applicants of the application(s) do not waive confidentiality of the application(s). Accordingly, the U.S. Patent and Trademark Office is requested to maintain the confidentiality of the copending application(s) under 35 U.S.C. § 122.

This submission does not represent that a search has been made and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited document(s) do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

EXPRESS MAIL NO. ED055022535US Information Disclosure Statement Under 37 C.F.R. § 1.97(b)
Continuation of Application No. 10/080,959
Attorney's Docket No. 0001-00001CON1
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INFORMATION DISCLOSURE CITATION PTO-1449		ATTORNEY's DKT No. 0001-00001CON1	APPLICATION NO. Not Assigned
		APPLICANT(s) Patricia CRUZ-PEREZ et al.	
		FILING DATE March 19, 2004	GROUP 1637

U.S. PATENT DOCUMENTS

EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	6,387,652	5-14-02	Haugland et al.			6-13-00

FOREIGN PATENT DOCUMENTS

EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
						Yes	No

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

Alvarez, A.J., Buttner, M.P., Toranzos, G.A. et al. (1994). The use of solid-phase polymerase chain reaction for the enhanced detection of airborne microorganisms. <i>Applied and Environmental Microbiology</i> 60, 374-376.
Alvarez, A.J., Buttner, M.P. & Stetzenbach, L.D. (1995). PCR for bioaerosol monitoring: sensitivity and environmental interference. <i>Applied and Environmental Microbiology</i> 61, 3639-3644.
Sawyer, M.H., Chamberlin, C.J., Wu, Y.N., Aintablian, N., & Wallace, M.R. (1994). Detection of varicella-zoster virus DNA in air samples from hospital rooms. <i>Journal of Infectious Disease</i> 169, 91-94
Haugland, R.A., Vesper, S.J. & Wymer, L.J. (1999). Quantitative measurement of <i>Stachybotrys chartarum</i> conidia using real time detection of PCR products with the TaqMan™ fluorogenic probe system. <i>Molecular and Cellular Probes</i> 13, 329-340.
Leenders, A.C.A.P., Van Belkum, A., Behrendt, M., Luijendijk, A. & Verbrugh, H.A. (1999). Density and molecular epidemiology of <i>Aspergillus</i> in air and relationship to outbreaks of <i>Aspergillus</i> infection. <i>Journal of Clinical Microbiology</i> 37, 1752-1757.
Vesper, S., Dearborn, D.G., Yike, I. et al. (2000). Evaluation of <i>Stachybotrys chartarum</i> in the house of an infant with pulmonary hemorrhage: quantitative assessment before, during, and after remediation. <i>Journal of Urban Health</i> 77, 68-84.
Heid, C.A., Stevens, J., Livak, K.J. & Williams, P.M. (1996). Real time quantitative PCR. <i>Genome Research</i> 6, 986-994.
Haugland, R.A. & Heckman, J.L. (1998). Identification of putative sequence specific PCR primers for detection of the toxigenic fungal species <i>Stachybotrys chartarum</i> . <i>Molecular and Cellular Probes</i> 12, 387-396.
Desjardin, L.E., Chen, Y., Perkins, M.D., Teixeira, L., Cave, M.D. & Eisenach, K.D. (1998). Comparison of the ABI 7700 system (TaqMan) and competitive PCR for quantification of IS6110 DNA in sputum during treatment of tuberculosis. <i>Journal of Clinical Microbiology</i> 36, 1964-1968.

EXAMINER	DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant(s).

**INFORMATION
DISCLOSURE
CITATION**
PTO-1449

ATTORNEY'S DKT No. 0001-00001CON1	APPLICATION NO. Unassigned
APPLICANT(S) Patricia CRUZ-PEREZ et al.	
FILING DATE March 19, 2004	GROUP 1637

U.S. PATENT DOCUMENTS

EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE

FOREIGN PATENT DOCUMENTS

EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
						Yes	No
	WO 01/96612 A	12-20-01	WIPO			X	

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	Haugland, R. A. et al.: "Quantitative Measurement of <i>Stachybotrys chartarum</i> conidia Using Real Time Detection of PCR Products with the TaqMan® Fluorogenic Probe System," Molecular and Cellular Probes, Academic Press, London, GB, vol. 13, no. 5, October 1999, pages 329-340
	International Search Report, International Application No. PCT/US 02/06335, dated July 10, 2003
	Roe, J. D. et al.: "Quantification of <i>Stachybotrys chartarum</i> conidia in Indoor Dust Using Real Time, Fluorescent Probe-Based Detection of PCR Products," Journal of Exposure Analysis and Environmental Epidemiology, Princeton Scientific Pub. Co., Princeton, N.J., U.S., vol. 11, no. 1, January 2001, pages 12-20
	Haugland & Heckman: "Identification of Putative Sequence Specific Primers for Detection of the Toxigenic Fungal Species <i>Stachybotrys chartarum</i> ," Molecular and Cellular Probes, vol. 12, 1998, pages, 387-396
	Heid, C. A. et al.: "Real Time Quantitative PCR," Genome Research, Cold Spring Harbor Laboratory Press, U.S., vol. 6, no. 10, October 1, 1996, pages 986-994
	Cruz-Perez, P. et al.: "Specific Detection of <i>Stachybotrys chartarum</i> in Pure Culture Using Quantitative Polymerase Chain Reaction," Molecular and Cellular Probes, vol. 15, no. 3, June 2001, pages 129-138

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